

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DREAMLAND AMUSEMENTS, INC.,
TOY CIRCUS, INC., CROSSROADS
TRUCKING CORP., ROBERT DESTEFANO,
and KATHRYN DESTEFANO,

Plaintiffs,

-- against --

THE HONORABLE ANDREW M. CUOMO,
ATTORNEY GENERAL OF THE STATE OF
NEW YORK, OFFICE OF THE ATTORNEY
GENERAL,

Defendant.

No. 08 Civ. 6321 (JGK)
ECF Case

NOTICE OF MOTION

To: Bruce L. Thall, Esq.
Heather M. Eichenbaum, Esq.
David B. Picker, Esq.
Spector Gadon & Rosen, P.C.
1635 Market Street, 7th Floor
Philadelphia, PA 19103
Attorneys for Plaintiffs

PLEASE TAKE NOTICE that upon the accompanying Defendant's Memorandum of Law in Support of Motion to Dismiss the Complaint and Affidavit of Julian R. Birnbaum, submitted herewith, with exhibits thereto, defendant Andrew M. Cuomo, Attorney General of the State of New York, will move this Court before the Honorable John G. Koeltl, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order, pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure, dismissing the complaint and for such and further relief as the Court deems proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b), plaintiffs' opposing affidavits and answering memorandum of law, if any, should be served on defendant

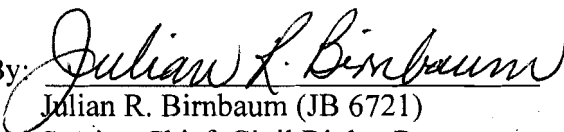
on or before August 20, 2008. Defendant's reply papers should be served on plaintiffs on or before August 27, 2008.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Individual Rules of Practice defendant as the moving party shall be responsible for filing all motion papers and furnishing to Chambers a full set of courtesy copies.

Dated: New York, New York
August 6, 2008

Respectfully submitted,

Andrew M. Cuomo
Attorney General of the State of New York

By: 
Julian R. Birnbaum (JB 6721)
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